



state senator
Jeff Drozda

2006 LEGISLATIVE UPDATE

Indiana Senate
200 W. Washington St.
Indianapolis, IN 46204

Prst Std
U.S. Postage
PAID
Indianapolis, IN
Permit No. 7767

Two New Laws SUPPORT SECOND AMENDMENT

"The people shall have a right to bear arms, for the defense of themselves and the State." Article 1, Section 32 of the Indiana Constitution grants us the freedom to own firearms and store them in our homes.

I have always been a firm supporter of our Second Amendment rights, and there were two bills in the General Assembly that would protect law-abiding gun owners.

The "Stand Your Ground" law, House Enrolled Act 1028, aims to protect Hoosiers who are protecting themselves. The bill allows any person to use deadly force against an intruder to the person's home or vehicle. Current law says that the intruder must have intent to cause death or bodily harm, but I believe that when someone breaks into your private property, you do not have the time to determine their exact intent.

Stand Your Ground also removes Indiana's "duty to retreat" requirement. No longer will a Hoosier under attack have to turn their back and try to escape. Instead, victims may fight back if they believe it is necessary to prevent harm.

Finally, it prevents Hoosiers who use such

force from being prosecuted. In short, this bill gives rights back to law-abiding citizens.

Senate Enrolled Act 54 attempts to simplify the handgun licensing process. Currently, everyone with a handgun license must have their permit updated and be fingerprinted every four years — even people who have had such a license all of their adult life.

This law allows the Superintendent of the Indiana State Police to establish an electronic renewal service and keep one set of fingerprints on file when this system is implemented. In order to keep the cost of this program low, it will rely on federal funding as opposed to taking more from the already strapped state budget. This law also allow citizens to apply for lifetime licenses.

The Indiana State Police issues about 80,000 gun permits per year. These measures will reduce that number and make the process more efficient. Safety is still a top priority and law enforcement officers will continue to revoke licenses as necessary.

These small, sensible changes will be a great improvement of the current system and make the licensing procedure much more effi-

cient. There is no reason to punish those law-abiding citizens who are simply exercising their Second Amendment rights.



Senator Jeff Drozda with Sheriff Doug Carter & Captain Kevin Jowitt.

I worked with Sheriff Carter and his office to amend new provisions into SEA 338. The new law defines a deadly weapon and the use of tasers by officers to fight crime.



SENATOR JEFF DROZDA

serving district 21: portions of Boone, Hamilton, Howard and Tipton counties

2006 LEGISLATIVE UPDATE

200 W. WASHINGTON ST., INDIANAPOLIS, INDIANA 46204 • WWW.IN.GOV/S21

Protecting Property Owners' Rights

The right to own property is fundamental to the American way of life. We are all familiar with the concept of "life, liberty, and the pursuit of happiness" set out in our Declaration of Independence. However, at the time the Declaration was issued, many Americans listed such basic God-given human rights as "life, liberty and property."

Last summer, the U.S. Supreme Court issued a ruling that threatens the right to own property. In *Kelo v. City of New London*, the court said that government may "take" private property for economic development.

The Supreme Court, however, left a loophole, saying legislatures may further restrict the use of eminent domain. This year, the General Assembly did exactly that.



Senator Drozda shares constituents comments with Governor Mitch Daniels.

Last summer, Indiana created an Eminent Domain Study Committee to look at Indiana's property rights laws to see how they could be improved. Many of their conclusions are now in the form of House Enrolled Act 1010.

Perhaps most importantly, the new law requires the reason for using eminent domain be something that benefits the public. Thus, eminent domain can be used for a legitimate government purpose-but not simply to increase a local government's tax base.

The proposed new law does several other things, including placing time restrictions on eminent domain so that property owners are not left in limbo for years at a time, requiring just compensation for Hoosier property owners, and mandating good-faith negotiations between the condemner and the property owner.

The law also includes language that takes away eminent domain powers from private cemeteries and would require libraries to first seek permission from their local governing bodies, such as a city council or township board, before using eminent domain. I worked to amend the library language into the law after I was contacted by concerned constituents about Kokomo-Howard County Library possible land seizure from the Sycamore Reformed Presbyterian Church.

When limited and appropriate, eminent domain is an important tool that can help provide anything from roads to utilities to schools for public use. HEA 1010 ensures that this tool is not abused at the expense of Hoosiers' right to own private property.

LAW BUILDS A BETTER WORKFORCE FOR INDIANA

The key to a successful economy is the strength of its workforce. Senate Enrolled Act 370 builds a more efficient Department of Work Force Development by providing regional leaders — those closest to local issues and opportunities — the capability to run a system that meets each area's unique needs.

This proposal has several key provisions that will allow the state to train up to 8,000 additional Hoosiers for high-skilled jobs each year. The new law will:

- Decrease the amount of money spent on administrative duties by about \$1.5 million and use those funds for employment training
- Combine programs to allow customized services to employers and job seekers

- Grant the Indiana Economic Development Corporation the authority to designate economic growth regions

- Establish a regional workforce development system, ensuring greater competition, accountability and flexibility

- Minimize the bureaucracy that deters Indiana's business and community leaders from tackling the economic growth challenges

I have been serving on the State Human Resource Investment Council, which is dedicated to building a better workforce in Indiana. We must have a system that meets our goals to expand career opportunities for Hoosiers, increase the wealth of our citizens, and deliver premier customer service.

SENATE DISTRICT 21 GETS \$8 MILLION FROM MAJOR MOVES



Now that Major Moves has passed, it is important that Hoosiers know what benefits they will see.

The money from the lease will be used to complete the long-awaited upgrades to U.S 31 and the Hoosier Heartland Corridor.

Additionally, because of the size of the lease payment, \$150 million will be distributed to counties, cities and towns for local projects. The distribution is based on a formula similar to the distribution of gas tax revenues. The counties I represent will receive the following:

- Boone — \$1,505,466
- Hamilton — \$4,112,379
- Howard — \$1,846,773
- Tipton — \$817,104

As you can see, Major Moves will generate a significant amount of money for our area that will improve the quality of life. I look forward to seeing a lot more orange construction barrels on the streets I represent in the coming years.

How I Voted: Important Bills in the Legislature

HEA 1001: HEA 1001 provides tax relief by dedicating \$100 million to reduce property tax bills. In addition, HEA 1001 sets the stage for a long-term solution to high property tax bills. The new law states that by 2010, property taxes must be capped at 2 percent of assessed value.

I voted: Yes

SEA 111: The bill makes stipulations regarding students' health and nutrition, including the establishment of a student health advisory council, nutritional requirements for foods and beverages, and daily physical activity for students. I voted no because decisions like this should be made by school districts, not mandates from the state. As educators, we should educate the students on responsible choices.

I voted: No

SEA 206: The bill creates a presumption that a police officer, firefighter, or emergency medical services provider who incurs a disability from certain cancers or a heart or lung disease while actively employed has incurred a disability in the line of duty. It does exclude the use of the presumption by a police officer, firefighter, or emergency medical services provider who has used tobacco products in any form in the last five years.

I voted: Yes

HEA 1124: The bill allows taxing units, such as Howard County, who are facing a significant revenue shortfall because of a bankruptcy to receive a loan from the state's Rainy Day Fund (RDF). The bill permits qualified taxing units to apply for up to a \$13 million in loans. The loans would be interest-free and would have to be paid back within ten years.

I voted: Yes

MAJOR MOVES: FREQUENTLY ASKED QUESTIONS

This year, the General Assembly passed Major Moves, a road funding plan that includes leasing the Indiana Toll Road to a private company for 75 years for \$3.8 billion. It is important that Hoosiers understand the benefits of the lease, so I would like to use this opportunity to answer some frequently asked questions.

Why sell a state asset?

Over the last decade, the Indiana Toll Road has not been an asset or a source of revenue for the state. In fact, the interstate has lost money in five of the last seven years and no toll road money in the last eight years has gone to the seven toll road counties for local projects.

Does it make sense to spend 75 years' worth of proceeds in just 10 years? What about future generations?

The state's 10-year road plan will be funded with the \$3.8 billion, but enough money will be left over for a Next Generation Trust Fund. The fund, which will start around \$500 million, will gain interest for five years. In 2011, and every five years thereafter, the state will withdraw the interest and use it for needed road construction projects. The original \$500 million, however, will not be touched. This will ensure that future generations have money to maintain and build roads.

If a private company can profit off the toll road, why can't the state?

Private companies have more capital avail-

able and have more financing options than state government. In addition, Statewide Mobility Partners (SMP) is world-renowned for operating toll facilities. The company has decades of experience in providing efficient, high-quality transportation to motorists. The company will be able to offer better service at less of an expense than the state.

When the toll road was built, we were told the tolls would go away in a few years. Why hasn't that happened?

In 1954, \$280 million in bonds were issued to build the Indiana Toll Road. Today, we have approximately \$225 million in outstanding bonds. The state has only been able to afford paying down \$55 million of debt in 52 years. In addition, although the seven toll road counties receive some proceeds from toll road revenue, the road has only generated enough to give the counties a total of \$50 million. The lease payment is enough to pay off outstanding bonds, give \$40 million to each Toll Road county, and distribute more throughout the rest of the state.

Will the state be adequately protected if the private company goes bankrupt or if the terms of the lease are violated?

If SMP goes bankrupt or violates terms, the state will resume operations of the toll road and keep the \$3.8 billion. The lease also allows the state to approve or veto any hiring of a third-party to manage the road. In all cases, the state is protected, and the risk lies with SMP.



Senator Drozda speaks on HCR 58 with Margaret Regnier, wife of the late Richard Regnier, on the Senate Floor.

He sponsored HCR 58 urging INDOT to rename State Road 28 from US 31 east through Tipton the "Richard Regnier Memorial Highway." Richard Regnier was a dedicated public servant who spent countless hours serving the citizens of Tipton and Howard Counties and the entire state.

DROZDA FIGHTS TO PROTECT HOOSIER CHILDREN

Indiana's children are our state's most precious assets. Sadly, nearly 67 percent of all reported sexual assault crimes are committed against children. In fact, 34 percent of sexual assault victims are under age 12. One in seven is under age 6. Despite efforts to protect children, there are still sexual predators who continue to prey on their innocence. This session, several bills were filed in an effort to close loopholes and strengthen Indiana's child protection laws.

The only way to help prevent predators from striking twice is to ensure their whereabouts are known by law enforcement agencies. This year, the General Assembly created legislation that requires convicted sexual predators to wear a GPS monitoring device at all times. New legislation also specifies that a principal residence is the residence where the offender spends the most time. If the sex offender plans to spend more than 72 hours away from his/her principal residence, the individual must notify both the local law enforcement agency and that of the city or county of visitation with a complete itinerary, including a return date.

Also with this newly enacted legislation, any person at least 18 years old who is convicted of child molesting for a second time may be placed on lifetime parole once his or her prison term is complete and any individual convicted of two child molesting crimes in another state whose parole is transferred to Indiana is also required to be placed on lifetime parole. Legislators have also been successful in preventing courts from granting petitions for adoption or legal guardianship to a sexually violent predator or someone who com-



Senator Drozda's children from left to right: Elizabeth, Nicholas, Marie and Colette. Baby Angelica (not pictured) arrived May 26, 2005.

mits child molestation with specific provisions.

The Department of Corrections (DOC) has been given more authority over sex offenders by receiving control of the state sex offender registry. The DOC is now also required to register these offenders before being released from incarceration. Hoosiers can monitor sex offenders in their area from www.familywatchdog.us, which was founded by one of my constituents in District 21.

This legislation also prohibits a sexually violent predator from living within 1,000 feet of, or working at, any school, public park or program center; nor is a sexually violent predator permitted to live within one mile of the victim's residence.

Too often, sex offenders are released from prison, supposedly rehabilitated, only to repeat their crimes or commit worse offenses. Statistics show that sex offenders are four times more likely than non-sex offenders to be arrested for another sex crime after being discharged from prison. These initiatives can help provide protection for our most vulnerable Hoosiers — our children.

Funeral Bill Protects the Rights of Grieving Families

There is no greater sacrifice a person can make for their country than giving his or her life on the battlefield. Freedom truly is not free. When our fallen heroes return home for burial, it is one of the most difficult times in the lives of their families. Disruptive and insulting protests do not belong at a funeral. They may have their time and place, but a private service is not an appropriate venue.

Senate Enrolled Act 5, which I co-authored, makes disorderly conduct at all funerals a Class D felony if the actions occur at a funeral home, the procession or at the grave site. Indiana currently has a statute that makes disorderly conduct at airports, airport hangars and parking areas a Class D felony.

An extremist group headquartered in Kansas has gained notoriety by staging vulgar, disruptive protests at funerals nationwide, particularly those of fallen soldiers. They have picketed at several Indiana churches in protest of this bill.

This law helps protect grieving families from hateful groups like this one. Governor Mitch Daniels signed SEA 5 into law in time to protect Sgt. Rickey Jones' family, of Kokomo, from such protests. The group had planned to protest at his funeral but was

deterred because of the new law.

This act is not an attack on freedom of speech. It simply ensures that grieving families have the right to lay their son or daughter, wife or spouse, friend or relative to rest without being harassed and taunted. Anyone is still free to protest a funeral, if they feel that is appropriate and necessary, in any forum they desire. They simply must remain at least 500 feet away from the funeral.

SEA 5 isn't only about veterans — every funeral is entitled to the sanctity of peace, dignity and respect. That right is even more important if the family wants prayer said at the grave side. Finally, this bill will promote public safety by reducing possible encounters between protesters and counter-protesters.

The law does not limit anyone's freedom of speech. It does, however, defuse potential violent situations where angry citizens may feel compelled to take the law into their own hands against such protesters. Even more importantly, the law protects grieving families from actions like we have seen in recent months and allows those families to lay their loved one to rest in peace.



Senator Drozda speaks with Sgt. Robert Bahler, a constituent from Senate District 21, who just returned home from serving overseas.